

REMARKS**Summary of the Office Action**

Claims 1-4, 7-15 and 18-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Omori (U.S. Patent No. 6,658,194) (hereinafter "Omori").

Claims 5, 6, 10, 16, 17 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Omori in view of Best (U.S. Patent No. 4,569,026) (hereinafter "Best").

Summary of the Response to the Office Action

Applicants have amended claims 1 and 12 to differently describe embodiments of the disclosure of the instant application. Accordingly, Claims 1-22 remain pending for consideration.

Rejections under 35 U.S.C. § 102(b) and 103(a)

Claims 1-4, 7-15 and 18-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Omori. Claims 5, 6, 10, 16, 17 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Omori in view of Best. Applicants have amended claims 1 and 12 to differently describe embodiments of the disclosure of the instant application. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Each of independent claims 1 and 12 have been further amended to more specifically describe that "the information processings include at least one of a reproduction process, a recording process, an editorial process, and a download process, which are respectively directed to the data information." In addition, these claims have also been amended to more specifically

describe that “the utility information includes at least one of a name, an origin, a destination, and a processing mode, which are respectively related to the data information.”

Applicants respectfully submit that support for the newly-presented amendments to independent claims 1 and 12 is found in the specification of the instant application at, for example, page 21, line 6 – page 23, line 3, as follows:

FIG. 2 shows a state that reproduction scenario data 30A, recording scenario data 30B, editorial scenario data 30C and download scenario data 30D are stored. In the reproduction scenario data 30A, extracting and reproduction processing from the AV information recording portion 14 of the AV information to be performed in the reproduction agent 10A are systemized. In the recording scenario data 30B, the recording processing for recording the AV information to be performed in the recording agent 10B in the information recording medium such as the MD or the like is systemized. In the editorial scenario data 30C, the editorial processing of the AV information to be performed by the edit agent 6 (specifically, the editorial processing for combining one AV information accumulated in the AV information recording portion 14 and the AV information obtained by the download agent 13 and forming one AV information or the like) is systemized. In the download scenario data 30D, the download processing from the exterior network 16 of the AV information to be performed in the download agent 13 is systemized.

In this case, as shown in FIG. 3A, as each scenario data, the reproduction scenario data 30A specifically includes reproduction song name data P1 showing a name of the AV information to be reproduced (one song in FIG. 3), original data for

reproduction P2 showing an information recording medium, in which the AV information to be reproduced is stored (specifically, a CD or the like, which is filled in the AV information recording portion 14 or the CD player 23) and reproduction mode data P3 showing a mode of its reproduction.

Alternatively, as shown in FIG. 3B, the recording scenario data 30B includes recorded song name data R1 showing a name of the AV information to be recorded, original data for reproduction R2 showing an information recording medium in which the AV information to be reproduced is stored, reproduction mode data R3 showing a mode of its reproduction and recording destination data R4 showing a recording destination to which the AV information is recorded.

Further, as shown in FIG. 3D, the editorial scenario data 30C includes editorial method data E1 showing an editorial method of the AV information to be edited and edited song name data E2 showing the AV information to be edited.

At the last, as shown in FIG. 3C, the download scenario data 30D includes obtaining original data D1 showing a download origin for downloading the AV information and the recording destination data D2 showing a recording destination to which the obtained AV information is recorded (specifically, the AV information recording portion 14 and the AV information data base 15 or the like) (emphasis added).

According to the Examiner, in the Omorì reference, at least a portion of “in or out points,” “time codes” and “editing list information” is utilized. However, Applicants

respectfully submit that the features added to each of independent claims 1 and 12 in which the information processings include at least one of a reproduction process, a recording process, an editorial process, and a download process, which are respectively directed to the data information, and the utility information includes at least one of a name, an original location, a recording destination, and a processing mode, which are respectively related to the data information, are not disclosed nor suggested in the applied references. Applicants respectfully submit that the newly introduced features correspond, only as illustrative, non-limiting examples, to reproduction process 30A, recording process 30B, editorial process 30C, download process 30D, name E2, origin D1, destination D2, and processing mode R3.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Omori does not teach, or even suggest, each feature of independent claims 1 and 12 of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicant respectfully asserts that the dependent claims are allowable at least because of their dependence from claim 1 or 12, and the reasons set forth above.

Moreover, Applicants respectfully submit that the additionally applied reference to Best with regard to dependent claims 5, 6, 10, 16, 17 and 21, does not cure the deficiencies of Omori discussed above.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the entry of the Amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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